

REMARKS

This Amendment is responsive to the Office Action issued on May 7, 2007. Applicants' representative would like to thank Mr. Borlinghaus for the courtesy he extended during the telephone interview summarized above.

I. Co-Pending Applications of Assignee

During examination of this application, the Examiner is encouraged to review the prosecution histories of co-pending application nos. 09/928,970 and 09/928,977, both of which are based on substantially the same disclosure as the present application.

II. Summary of the Amendments

By the foregoing amendments, Applicants have amended the claims along the lines discussed during the telephone interview.

With respect to Claim 1, Applicants have also added the following language: "each pay page corresponding to a respective payee, and being accessible at a respective Uniform Resource Locator (URL) that contains an identifier of the respective payee, said URLs of the pay pages otherwise being identical." This added language, and new dependent Claims 54 and 78, are supported by at least page 12, lines 6-14 and Figure 19 of the originally-filed specification.

Applicants have also added new dependent Claims 55 and 56 to claim aspects of the disclosed pay page search engine. These claims are supported by at least page 12, lines 12-14; page 15, lines 11-13; page 17, lines 21-25; and Figure 13.

III. Rejections of Claims 1, 5 and 13 under Section 112, Second Paragraph

In view of the amendments made herein to Claims 1, 5 and 13, Applicants submit that the indefiniteness rejections of these claims have been overcome or rendered moot.

IV. Rejections under 35 U.S.C. § 103(a)

Claims 1-36 and 42-49 and 53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Conklin (U.S. Patent 6,336,105) in view of Gralla ("How The Internet Works," Millennium Edition, Que, 1999, pp. vi-324) and Official Notice. Claims 50-52, which are dependent, stand rejected over the same combination of references plus Boykin (PG Pub 2001/0042048). Conklin, Gralla and Boykin will be referred to collectively as the "applied references."

Applicants respectfully submit that the obviousness rejections are improper because, among other reasons, the applied references do not teach or suggest all of the limitations of any independent claim. Each independent claim is discussed below.

Independent Claim 1

The rejection of Claim 1 is improper because, among other reasons, the applied references do not teach or suggest a system that uses “payee-specific pay pages” that allow “pay page visitors to enter payment amounts and to initiate payments to corresponding payees,” and that “are capable of being used to make payments that are not associated with sales transactions.” As discussed during the interview, a “seller web site” as disclosed in Conklin (see col. 19, lines 1-10) would not inherently include such pay pages. While such a web site may possibly include a checkout page, such a page would not ordinarily allow visitors “to enter payment amounts” as claimed. In addition, a checkout page would not be “capable of being used to make payments that are not associated with sales transactions.” Thus, Conklin’s process for creating a seller web site does not suggest these limitations. Nor are these limitations suggested by Conklin’s disclosure of a buyer/seller negotiation process (col. 19, lines 44-57).

The rejection is also improper for the independent reason that the applied references do not teach or suggest the following feature: “each pay page corresponding to a respective payee, and being accessible at a respective Uniform Resource Locator (URL) that contains an identifier of the respective payee, said URLs of the pay pages otherwise being identical.” As disclosed in the present application, this feature allows users to easily locate the pay pages of other users. See present application at page 12, lines 6-14.

For at least these reasons, Applicants respectfully submit that independent Claim 1, and the claims which depend from Claim 1, are patentably distinct from the applied references.

Independent Claim 20

The rejection of Claim 20 is improper because, among other reasons, the applied references do not teach or suggest the following: “hosting a plurality of payee-specific pay pages on a web site associated with said service, said pay pages created via said service, at least some of the pay pages corresponding to different payees than others.” Nothing in Conklin suggests that a seller web site created via Conklin’s remote authoring process would include this feature.

The rejection of Claims 20 is also improper for the independent reason that the applied references do not teach or suggest a pay page that “includes a field for the visitor to specify an amount of the payment.” As discussed above, a checkout page of a seller web site ordinarily would not include such a field.

The rejection of Claim 20 is also improper for the independent reason that the applied references do not teach or suggest a pay page that is “not associated with a sales transaction.” A conventional checkout page of a seller web site would not meet this limitation.

For at least these reasons, Applicants respectfully submit that independent Claim 20, and the claims which depend from Claim 20, are patentably distinct from the applied references.

Independent Claim 32

The rejection of Claim 32 is improper because, among other reasons, the applied references do not teach or suggest the following: “receiving and storing pay page settings specified by a payee through the service, said pay page settings specifying content and a behavior of a payee-specific pay page of the payee, said pay page not being associated with a sales transaction.” The remote authoring process described in Conklin does not provide or suggest this capability.

The rejection of Claim 32 is also improper for the independent reason that the applied references do not teach or suggest, in the context of the other limitations of the claim, “generating, and outputting to a visitor, a customized version of the pay page indicating a single action to be performed by the visitor within the pay page to pay the payee.” The referenced portions of Conklin and Gralla do not suggest this feature.

The rejection is also improper for the independent reason that the applied references do not teach or suggest “responding to performance by the visitor of the single action by at least (a) initiating payment, and (b) redirecting a browser of the visitor to an external page pre-specified by the payee, said external page being a page that is not hosted by the service provider site.” In connection with the “external web page” recitation, the Office Action points to Figures 17-19 of Conklin. Nothing in these figures, however, suggests the ability for a payee to specify an external web page to which a payer’s browser is redirected.

For at least these reasons, Applicants respectfully submit that independent Claim 32, and the claims which depend from Claim 32, are patentably distinct from the applied references.

Independent Claim 42

The rejection of Claim 42 is improper because, among other reasons, the applied references do not teach or suggest, in the context of the other limitations of the claim, “a pay page hosted by the service provider site, wherein the pay page includes descriptive content associated with, and is capable of being used to make donations to, the creator of the work.” As discussed during the telephone interview, Conklin does not teach such a pay page.

The rejection of Claim 42 is also improper for the independent reason that the applied references do not teach or suggest “a content provider web site which hosts the work in conjunction with a link to the pay page to permit consumers of the work to make donations to the creator of the work, said content provider web site being external to the service provider site.”

Dependent Claims

The dependent claims are patentable in view of their dependencies from the corresponding independent claims discussed above. In addition, at least some of the dependent claims recite additional patentable distinctions over the art of record. As one specific example, the applied references do not teach or suggest the following feature added by dependent Claim 4: “the pay page generation module includes functionality for a payee to specify a URL of an external page to be displayed to a payer upon completion of a payment transaction, said external page being a page that is not served by the server system, and wherein the server system is responsive to completion of the payment transaction by redirecting a browser of the payer to the URL of the external page.”

Use of Official Notice

The Office Action relies on Official Notice in connection with several dependent claims. Applicants respectfully object to and challenge these uses of Official Notice. If the rejections are maintained, Applicants respectfully request that the Office provide Applicants with evidence that the officially-noticed subject matter exists in the prior art.

As one particular example, the Office Action takes Official Notice that it is well known to direct a visitor to a site based on the visitor’s rating. As another example, the Office Action takes Official Notice that it is old and well known to base a user rating on a frequency and amount of payments the user has made, either as a shopper or a charitable donor. Applicants submit that

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these features (among others) are not old and well known, and that the use of Official Notice in connection with these features is improper.

V. Conclusion

By focusing on specific claims and claim limitations in the discussion above, Applicants do not imply that other claim limitations are disclosed or suggested by the references. In addition, by amending the claims and pointing out distinctions over the references, Applicants do not disclaim any previously claimed or other subject matter. Applicants reserve the right to pursue, in this application or a continuing or related application, any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure.

In view of the foregoing amendments, remarks, and substance of interview, Applicants submit that the application is in condition for allowance.

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment, to Deposit Account No. 11-1410.

Respectfully submitted,

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